

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

**BOARD OF TRUSTEES, NATIONAL
STABILIZATION AGREEMENT OF
THE SHEET METAL INDUSTRY
TRUST FUND, *et al.*,**

Plaintiffs,

V.

BURKE METALS LLC,

Defendant.

Civil Action No. 1:15cv1220 (AJT/JFA)

ORDER

This matter is before the Court on the Proposed Findings of Fact and Recommendations [Doc. No. 12] of the Magistrate Judge recommending that default judgment be entered in favor of the Board of Trustees of the National Stabilization Agreement of the Sheet Metal Industry Trust Fund, the Board of Trustees of the Sheet Metal Workers' National Pension Fund, the Board of Trustees of the International Training Institute for the Sheet Metal and Air Conditioning Industry, the Board of Trustees of the Sheet Metal Workers' International Association Scholarship Fund, the Sheet Metal Occupational Health Institute Trust, and the National Energy Management Institute Committee ("plaintiffs") and against Burke Metals LLC ("defendant") in the amount of \$34,159.91. The Magistrate Judge also advised the parties that objections must be filed within fourteen (14) days of service and that failure to object waives appellate review. No objections have been filed. The Court has conducted a *de novo* review of the evidence in this case and adopts and incorporates the findings and recommendations of the Magistrate Judge in their entirety. Accordingly, it is hereby

ORDERED that plaintiffs' Motion for Judgment by Default by the Court Pursuant to Federal Rule of Civil Procedure 55(b)(2) [Doc. No. 8] be, and the same hereby is, GRANTED; and it is further

ORDERED that default judgment be, and the same hereby is, entered in favor of the plaintiffs and against defendant in the total amount of **\$34,159.91**, which includes unpaid contributions of \$21,771.08, interest of \$1,228.09, liquidated damages of \$4,354.21, pre-litigation liquidated damages of \$223.52, audit fees and costs of \$1,600.00, and legal fees and costs of \$4,983.01.

The Clerk is directed to enter judgment in accordance with Fed. R. Civ. P. 58 and to forward copies of this Order to all counsel of record and to the defendant, Burke Metals LLC, at the following address:

Burke Metals LLC
1804 Appleton Way
Whippany, NJ 07981

Alexandria, Virginia
February 5, 2016



Anthony J. Trenga
United States District Judge